

8715

THE COMMONWEALTH OF MASSACHUSETTS  
ANNUAL REPORT  
BOARD OF REGISTRATION IN PHARMACY  
FOR THE  
YEAR ENDING JUNE 30, 1976  
DIVISION OF REGISTRATION  
EXECUTIVE OFFICE OF CONSUMER AFFAIRS

MR  
614.24M3  
B668r  
1976

State Library of Massachusetts  
State House, Boston



# *The Commonwealth of Massachusetts*

*Department of Civil Service and Registration*

*Board of Registration in Pharmacy*

*Leverett Saltonstall Building, Government Center*

*100 Cambridge Street, Boston 02202*

TO: The Director of Registration  
Leverett Saltonstall Building  
100 Cambridge Street  
Boston, Mass.

SUBJECT: Annual Report for Fiscal Year Ending June 30, 1976.

The Board of Registration in Pharmacy hereby submits the Annual Report of The Board for fiscal year ending June 30, 1976.

Additional functions delegated to the agency as a result of recent legislation (Internship, Supportive Personnel, registration of Institutional Pharmacies etc.) has augmented the workload of the Board. Routine functions have been supplemented by increased correspondence, inquiries, complaints, investigations etc. Meanwhile the clerical staff has been at a minimum. A staff of three persons was reduced to two, and on occasion one clerk. Under these circumstances even with devoted and dedicated personnel, it is impossible to discharge the duties and obligations of a complex and busy office expeditiously and with best results.

During the latter part of the year, Miss Sally McMullen was forced to go on sick leave due to a serious operation. There remained a Junior Clerk which was then supplemented by a Senior Clerk, namely Lee Gulla. In order to function in a realistic manner, a minimum requirement for the office staff is the employment of a Head Clerk or Principal Clerk, a Senior Clerk and a Junior Clerk.

John E. Stallworth of Osterville, who on June 16, 1975 was appointed to fill the unexpired term of Arnold Slavet, Esq., was reappointed on January 31, 1976 to serve a five year term as the lay member of The Board. The appointed was qualified on June 9, 1976.

Saul E. Rosen of Brookline was appointed as a member of The Board on August 28, 1975 - representing Retail Pharmacy and replacing the former Board member Richard Conlin of Methuen.

Edmund Fitzpatrick, an agent of The Board was placed on sick leave beginning November 25, 1975 and remained on sick leave for the remainder of the fiscal year. The loss of an agent during this period created another vacuum and placed an added burden on the three remaining functioning agents.

The statistics which accompany this report are self explanatory. The pertinent

State Library of Massachusetts

State House, Boston



facts are revealed in the statistics and summaries herein submitted. The Board is self supporting and the financial statement shows an income of over \$31,538.00 over expenses.

The format for a comprehensive survey on pharmacists and pharmacy manpower studies has been set together with representatives of the Health Manpower Commission for the health care professions. The survey will be completed within the next fiscal year. One can project that the survey will show an increase in women pharmacists over the previous years, a trend which is revealed nation wide. Also, the ratio of independent pharmacies over chain operations seems to indicate a decided increase in chain operations.

National surveys indicate that the total prescription volume has declined one percent over the previous year and most likely the same is true in the Commonwealth. The variance is probably due to decline in the number of refills processed. This is true because the quantities prescribed are larger in unit doses, therefore requiring refills at lengthier intervals.

The generic prescriptions account for 11% of the new prescriptions filled. Compounded prescriptions are in the vicinity of a trifle over 1%. The percentage of new prescriptions over refills is approaching a 50-50 ratio. This is possibly due to recent government controls over the quantity to be prescribed, the number of refills authorized and the interval of time between new prescriptions issued.

There remains a certain amount of confusion by laymen as to what is meant by a "generic product". The term "generic" is a name assigned to a given, single entity, chemical compound for the purpose of identification. It represents the active ingredient of a particular preparation and there is no relationship to the remainder of the ingredients which are components of a given formulation (tablet, capsule, suppository etc.) containing the generic. Trade-mark manufacturers sources also market lines of generics and conversely "generic houses" market products under trade-marked names. Another misconception is that if a prescription is written by the generic name, it is also less expensive. This may not be true. In effect however, the price is based on what product is dispensed by the pharmacist. If the practitioner writes generically, the pharmacist may select a more expensive trade name product. In this instance, the price would be higher than if the prescriber specified a less costlier brand-name drug.

Surveys on community pharmacies indicate that pharmacies are faced with increased merchandise costs. The average prescription charge increased from the previous year (\$4.81 to \$5.18).

The Board has constantly received requests for a waiver of hours. A Board regulation calls for a 80 hour week for a pharmacy to remain open. Many pharmacies now average about 66 hours per week. Some of the factors which are an underlying cause are as follows: an attempt to reduce escalating operating expenses, changes in the geographical area in relation to mobility of people, location (medical center, shopping area, community store), the amount of prescription activity and the crime climate.

On May 14, 1976, the Governor signed into law H3236 which amends 521 of Chapter 94C (Mass. Controlled Substances Act). This amendment becomes effective as of August 12, 1976. In addition to the present provisions of law in respect to labeling of a prescription, the pharmacist must also place on the prescription label, the number of tablets or capsules dispensed in the prescription container.



On May 24, 1976, the United States Supreme Court in *Virginia State Board of Pharmacy vs Virginia Citizens Consumers Council Inc.*, declared the prohibition of advertising prescription drugs unconstitutional. Following the United States Supreme Court Decision, The District Court of Massachusetts issued a Declaratory Judgement which decreed as follows: "Massachusetts General Law, Chapter 94C, Section 46 and Rule 49, Items 16 and 20 of the Rules and Regulations of the Board of Registration in Pharmacy are hereby declared unconstitutional on the ground that they violate rights guaranteed by the First Amendment to the United States Constitution.

This decree can be relied upon for not enforcing General Law Chapter 94C, Section 46 and the Rule 49, Items 16 and 20 of the Board Regulations. All cases pending before the Board relative to advertising deemed unconstitutional were dismissed. A letter of memorandum was issued by the agency relative to the high court decision and its effect on our laws.

There is growing evidence that thousands of dosage units of controlled substances which have a potential for abuse and misuse find their way into the street for illicit use and distribution from the legal channels of drug distribution. The majority of drugs recovered from the illicit traffic are products from legally manufactured sources. There are too many prescriptions reaching pharmacies which are written for other than the true medical use of the drug or in the usual practice of professional treatment. Although percentage wise, the number of pharmacies involved in honoring bogus prescriptions, invalid prescriptions is small, the resulting damage is great enough to cause concern. Violators are given stern punishment as evidenced by suspensions imposed and revocation of licenses. To cope with the situation is an impossible task with a restricted number of agents and improper funding. The Board by Statute is permitted six agents, however it is funded for four agents. Routine functions alone occupy the time of the agents, let alone perform investigative duties, answer complaints and place licensees under surveillance. Cooperation with the Massachusetts State Police Diversion Investigative Unit has been a gratifying experience. It is an effective arm of the law in this area of enforcement and very productive. Law enforcement and disciplinary action has become a major part of the Board's activity. To add to the drug problem, the amount of drugs diverted by Breaking and Entry, Robberies and Theft of Pharmacies and Drug Wholesalers is alarming. The Board advocates better security measures be taken and offers appropriate guidelines to its licensees.

The Board has held several hearings on violations before a Hearing Officer from the Division of Hearing Officers for the Department of Administration and Finance. This course was taken for several reasons; a back log of cases before the Board, the lack of funds to supply a court stenographer and the printing of transcripts where warranted. The Board intends to hold additional hearings in this manner, as well as others before the Board itself. The results so far have proven satisfactorily.

By going before the Hearing Officer, its Executive Secretary represents the Board in which case the Board members relinquish their authority to examine and cross-examine witnesses; however, based on the finding of facts furnished by the Hearing Officer, The Board members arrive at the decision. The Executive Secretary in these proceedings is not represented by an Assistant Attorney General and this could prove detrimental.



Because of the number of changes in law and the need for consultation and interpretation, there is a clamor by the licensees for want of more direct communication from The Board in order that they be better informed. Again, lack of funding and personnel does not allow for direct mailings of memos from the Board Office. In order to disseminate important information the Board relies on newsletters of several associations to transmit the information, as well as through the Colleges of Pharmacy and holding seminars or presentations in various areas of the State.

There is also need for a supervisor over the Internship Program to insure proper administration of the program and see to it that it becomes a well monitored experience. The Colleges of Pharmacy have done an excellent job of administering clinical pharmacy programs as part of the curriculum and in handling preceptor and interns acquiring internship experience.

On December 2, 1975, in accordance with Chapter 13, Section 23 General Law, The Board held its organizational meeting and elected Mrs. Ethel T. Pierce of Abington its President.

The Board has been involved in many areas of activity some of which will be related in the paragraphs to follow:

At a meeting with representatives of the Department of Public Health Tuberculosis Control Program, the problem of drug distribution to patients not physically able to attend the Public Health Tuberculosis Clinic in order to procure expensive medication at no cost was discussed. A mechanism was developed in order that the medication would become available, the lack of which would have affected treatment, and within the legal framework of drug distribution.

The Board took a stand against a pending proposal in the legislature which would have imposed a Sales Tax levy of 1% on prescriptions.

The Board on several occasions addressed students on licensure requirements; made them familiar with Massachusetts Laws; and made them aware of their responsibilities as practicing pharmacists.

The Board met on one occasion with President Raymond Gosselin of the Massachusetts College of Pharmacy and members of the faculty to discuss a variety of subjects relating to pharmacy, such as internship training and the matter of a pending merger of Hampden College of Pharmacy with the Massachusetts College of Pharmacy.

The Board, through its Executive Secretary met with representatives of the State Federal Drug Administration, Department of Public Health and representatives of the Federal Agency on State and Federal Relations to review the telecom system for the dissemination of information relayed from the Maryland based Centre relative to Food and Drug releases concerning recalls from the market, policy statements, fraudulent claims, warnings, cautions etc.

The Executive Secretary was named to a study Commission providing for an Investigation relative to the qualifications of the Practice of Ophthalmology and Optometry. The main question was whether or not optometrists should be allowed to use and prescribe certain drugs for diagnostic purposes etc. Several meetings were held at the State House in which Senator Roger L. Bernashe acted as Senate Chairman and Matthew J. Kress as House Chairman. The Board was represented by its Executive Secretary in the Community Health Program sponsored at the School of Nursing, Salem Hospital, Salem, Mass.



The Executive Secretary represented the Board on several occasions in "Project Healthy", a program on the Massachusetts Department of Elder Affairs.

The Policy Board of the Massachusetts Diversion Investigative Unit of the State Police included chairperson, Mrs. Ethel Pierce, President of the Board and Dr. Romulus L. DeNicola, Executive Secretary of The Board. The Executive Secretary also participated in a training program for the specialized unit.

The Board was represented in a number of seminars and programs before Hospital groups and Retail Pharmacists to inform the professional of the new laws, their application, interpretation and clarification.

On November 19-20, 1975, several of the Board members attended a conference at the Sheraton-Tara, Braintree, Mass., under the direction of Delbert D. Kounor, Staff Co-ordinator for voluntary Compliance Drug Enforcement Administration, Department of Justice. Workshops brought together members of the the health professions for an exchange of ideas, to discuss mutual problems and cement better relations to better relate and coordinate their activities and create a cooperative effort for voluntary compliance with drug laws. - The purpose to together better protect the Public Health and Welfare.

The Executive Secretary attended the conference on National Legislation and Public Affairs in Washington, D. C. on February 25-26, 1976. Topics for discussion included the implementation of H. E. W.'s maximum allowable cost (MAC), Regulations, Consumer Organizations and Pharmacy Associations, Crime Legislation, Medicare Home Drugs, Brand Substitution, Price Advertising etc.

BOARD OF REGISTRATION IN PHARMACY

FINANCIAL STATEMENT

FISCAL YEAR 1976

JULY 1, 1975 to JUNE 30, 1976

INCOME

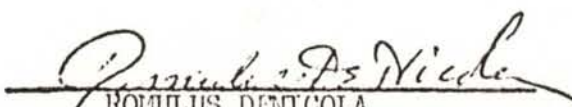
Drug Store Permits.....	\$ 59,195.00
Certificates of Fitness.....	28,250.00
Wholesale Druggists Licenses.....	6,300.00
Drug Store Controlled Substances.....	40,087.50
Wholesale Controlled Substances.....	1,675.00
Hospital Controlled Substances.....	5,062.50
Examination Fees.....	7,100.00
Reinstatement Fees.....	685.00
Reciprocity Fees.....	2,020.00
Duplicate Certificates.....	60.00
Certified Statements.....	152.00

TOTAL NET RECEIPTS \$ 150,587.00

EXPENSES

Executive Secretary, Services.....	\$ 18,318.00
Agents Services.....	60,433.55
Members Services.....	5,250.00
Members Services Accts. Payable.....	110.45
Repairs.....	723.59
Repairs Accounts Payable.....	776.41
Travel - Members & Agents.....	4,636.70
Travel, Accounts Payable.....	1,763.30
Office Exp. from App. of Director of Reg.....	4,945.92
Office Expense, Accts. Payable.....	5,582.59
Office Personnel Services (including Temp. Help)....	16,508.54

TOTAL EXPENSES \$ 119,049.05

  
ROMULUS DENTICOLA  
EXECUTIVE SECRETARY



BOARD OF REGISTRATION IN PHARMACY

JULY 1, 1975 to JUNE 30, 1976

HEARINGS.

The number of Hearings held before the Board were.....135

These Hearings included the following Categories:

Applications for New Drugstores  
Applications for Wholesale Druggists  
Applications for Reciprocity and Duplicate Certificates  
Violations of the Code of Professional Conduct  
Violations of Chapter 112, Section 61 - (Gross Misconduct & Malpractice in the  
Practice of the Profession)  
Non Conformity with Federal Laws.  
Proposed Changes on Rules & Regulations. (Board Meetings)  
Examinations and Assembly of Markings, etc. (Board Meetings)

RESULTS OF HEARINGS.

Drugstore Permits Revoked.....1  
Personal Certificate of Registration Revoked.....1  
Personal Certificates of Registration Suspended.....4  
Personal Certificates of Registration Suspended (Voluntary).....2

GENERAL INFORMATION.

Number of Drug Stores.....1474  
Number of Certificate of Fitness.....1017  
Number of Controlled Substance (Retail).....1474  
Number of Controlled Substance (Hospital Pharmacies)..... 194  
Number of Controlled Substance (Wholesale)..... 53  
Change of Managers..... 155  
Change of Corporations and Owners..... 78  
New Drug Stores..... 47  
Closed Drug Stores..... 79  
Drug Stores Removed..... 14  
Drug Stores Re-Opened..... 2  
Active Registered Pharmacists.....7732  
Active Assistant Reg. Pharmacists..... 54



BOARD OF REGISTRATION IN PHARMACY

JULY 1, 1975 to JUNE 30, 1976

EXAMINATION FOR REGISTRATION AS PHARMACISTS

	<u>EXAMINED</u>	<u>REGISTERED</u>
January 26, 1976.....	95	73
June 21, 1976.....	194	168
TOTAL.....	279	241

REGISTERED BY MASSACHUSETTS THROUGH INTERSTATE RECIPROCITY

Connecticut.....	4
Georgia.....	1
Indiana.....	1
Iowa.....	2
Louisiana.....	1
Maryland.....	7
Michigan.....	4
Minnesota.....	2
Nebraska.....	1
New Hampshire.....	2
New York.....	7
North Dakota.....	1
Ohio.....	1
Pennsylvania.....	1
Rhode Island.....	4
Texas.....	1
Washington.....	1
Wisconsin.....	1
TOTAL.....	42

BY ORDER OF THE BOARD:

Romulus L. DeNicola  
Romulus L. DeNicola,  
Executive Secretary

